

In the Claims:

Please amend claims 2, 4-7, 9, 11-13 and 20 as follows:

1. (Previously Presented) A carbonaceous protective layer for protecting an underlying material, which is a layer formed by a Filtered Cathodic Arc process, and contains nitrogen distributed therein, wherein nitrogen is distributed in an inclined concentration in said carbonaceous protective layer, and a nitrogen concentration is gradually increased from a bottom surface side to a top surface side in said carbonaceous protective layer.

2. (Currently Amended) A carbonaceous protective layer according to claim 1 or 4, wherein a nitrogen content of said carbonaceous protective layer is 2 to 20 at%.

3. Canceled.

4. (Currently Amended) A carbonaceous protective layer ~~according to claim 1~~ for protecting an underlying material, which is a layer formed by a Filtered Cathodic Arc process, and contains nitrogen distributed therein, wherein nitrogen is not contained in a substantially lower half portion, occupying substantially one half of the thickness-wise distance from a bottom surface of said carbonaceous protective layer, and

a nitrogen concentration is gradually increased from substantially one half of the thickness-wise distance from a bottom surface of said carbonaceous protective layer to a top surface side in said carbonaceous protective layer.

5. (Currently Amended) A carbonaceous protective layer according to claim 1 or 4, wherein a hardness of said carbonaceous protective layer is at least 18 GPa.

6. (Currently Amended) A carbonaceous protective layer according to claim 1 or 4, wherein a contact angle of said carbonaceous protective layer to water is not greater than 35°.

7. (Currently Amended) A carbonaceous protective layer according to ~~any one of claims 1 to 6~~ or 4, wherein said carbonaceous protective layer is positioned over a magnetic recording layer of the magnetic recording medium.

8. (Previously Presented) A magnetic recording medium comprising a non-magnetic substrate having applied thereon a magnetic recording layer, in which said magnetic recording layer has a carbonaceous protective layer formed thereon by a Filtered Cathodic Arc process, and said carbonaceous protective layer contains nitrogen distributed therein, wherein nitrogen is distributed in an inclined concentration in said carbonaceous protective layer, and a nitrogen concentration is gradually increased from a bottom surface side to a top surface side in said carbonaceous protective layer.

9. (Currently Amended) A magnetic recording medium according to claim 8 or 11, wherein a nitrogen content of said carbonaceous protective layer is 2 to 20 at%.

10. Canceled.

11. (Currently Amended) A magnetic recording medium ~~according to claim 8~~ comprising a non-magnetic substrate having applied thereon a magnetic recording layer, in which said magnetic recording layer has a carbonaceous protective layer formed thereon by a Filtered Cathodic Arc process, and said carbonaceous protective layer contains nitrogen distributed therein, wherein nitrogen is substantially not contained in a lower half portion, occupying substantially one half of the thickness-wise distance from a bottom surface of said carbonaceous protective layer, and  
a nitrogen concentration is gradually increased from substantially one half of the thickness-wise distance from a bottom surface of said carbonaceous protective layer to a top surface side in said carbonaceous protective layer.

12. (Currently Amended) A magnetic recording medium according to claim 8 or 11, wherein a hardness of said carbonaceous protective layer is at least 18 GPa.

13. (Currently Amended) A magnetic recording medium according to claim 8 or 11, wherein a contact angle of said carbonaceous protective layer to water is not greater than 35°.

14. (Withdrawn) A method of producing a magnetic recording medium comprising a non-magnetic substrate having applied thereon a magnetic recording layer, which has a carbonaceous protective layer deposited thereon, which method comprises the step of depositing said carbonaceous protective layer on said magnetic recording layer by a Filtered Cathodic Arc process, while introducing nitrogen into said carbonaceous protective layer.

15. (Withdrawn) A method of producing a magnetic recording medium according to claim 14, wherein nitrogen is introduced in said carbonaceous protective layer under the conditions that a nitrogen concentration is gradually increased from a bottom surface side to a top surface side in said carbonaceous protective layer.

16. (Withdrawn) A method of producing a magnetic recording medium according to claim 14, wherein nitrogen is introduced in said carbonaceous protective layer under the conditions that nitrogen is substantially not contained in a lower half portion, occupying substantially one half of the thickness-wise distance from a bottom surface of said carbonaceous protective layer.

17. (Withdrawn) A method of producing a magnetic recording medium according to any one of claims 14 to 16, wherein said carbonaceous protective layer is deposited under irradiation of a nitrogen ion beam, or under the application of a nitrogen atmosphere or by combining them together, thereby introducing nitrogen into said carbonaceous protective layer.

18. (Previously Presented) A magnetic disk apparatus comprising a recording head for recording information and a reproducing head for reproducing information to and from a magnetic recording medium, in which said magnetic recording medium comprises a non-magnetic substrate having applied thereon a magnetic recording layer, and said magnetic recording layer has a carbonaceous protective layer, formed thereon by a Filtered Cathodic Arc process, which contains nitrogen distributed therein, wherein nitrogen is distributed in an inclined concentration in said carbonaceous protective layer, and a nitrogen concentration is gradually increased from a bottom surface side to a top surface side in said carbonaceous protective layer.

19. Canceled.

20. (Currently Amended) A magnetic disk apparatus ~~according to claim 18~~ comprising a recording head for recording information and a reproducing head for reproducing information to and from a magnetic recording medium, in which said magnetic recording medium comprises a non-magnetic substrate having applied thereon a magnetic

recording layer, and said magnetic recording layer has a carbonaceous protective layer,  
formed thereon by a Filtered Cathodic Arc process, which contains nitrogen distributed  
therein, wherein nitrogen is substantially not contained in a lower half portion, occupying a  
substantially one half of the thickness-wise distance from a bottom surface of said  
carbonaceous protective layer, and

a nitrogen concentration is gradually increased from substantially one half of  
the thickness-wise distance from a bottom surface of said carbonaceous protective layer to a  
top surface side in said carbonaceous protective layer.